

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7272

BILL NUMBER: HB 1305

NOTE PREPARED: Jan 27, 2015

BILL AMENDED: Jan 26, 2015

SUBJECT: Various Motor Vehicle Issues.

FIRST AUTHOR: Rep. McMillin

FIRST SPONSOR: Sen. Young R Michael

BILL STATUS: As Passed House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill makes the following changes to criminal penalties associated with motor vehicles:

- (1) Raises the penalty for reckless driving resulting in bodily injury from a Class B misdemeanor to a Class A misdemeanor.
- (2) Decreases the penalty for reckless driving that does not result in bodily injury or property damage from a Class B misdemeanor to a Class C misdemeanor.
- (3) Provides that simultaneous possession of an out-of-state driver's license or identification card and an Indiana driver's license or identification card is a Class C infraction.
- (4) Provides that counterfeit reproduction of a driver's license is a Class B misdemeanor.
- (5) Provides that failure to render assistance to injured or entrapped victims of a vehicular collision is a Class C misdemeanor for certain persons.
- (6) Provides that, with certain exceptions, a person may not operate a motor vehicle in a passing lane if other vehicles are overtaking the vehicle in the passing lane. Violations are punishable as Class C infractions.

This bill also makes the following changes:

- (1) Provides that a driver's license or vehicle registration, or both may be suspended once for each failure to provide proof of financial responsibility.
- (2) Requires motorists to contact a 911 telephone operator following a vehicular collision resulting in injury or death.
- (3) Requires motorists to contact a law enforcement officer or law enforcement agency when a vehicular collision involves an unattended vehicle or other property.

- (4) Provides that a driver's license suspension originating from another jurisdiction prohibits the receipt of specialized driving privileges.
- (5) Repeals certain statutes that govern operating while intoxicated driver's license suspensions.
- (6) Establishes that felonies codified in IC 9 are qualifying offenses for habitual traffic violator status.
- (7) Provides that felony offenses requiring the operation of a vehicle as a material element of a crime are qualifying offenses for habitual traffic violator status.
- (8) Precludes an individual from being adjudicated a habitual traffic violator more than once for the same underlying offenses.
- (9) Allows individuals to declare habitual traffic violator status by petitioning a court.
- (10) Prohibits a driver's license suspension or lifetime forfeiture for operating a vehicle while driving privileges are suspended or in violation of a license restriction.
- (11) Provides that, at the request of a defendant, the court may find habitual traffic violator status by a preponderance of the evidence.
- (12) Requires the prosecuting attorney of the county in which a petition for reinstatement of driving privileges is filed to represent the state.
- (13) Allows holders of commercial driving licenses to seek specialized driving privileges.
- (14) Creates the habitual vehicle substance offender enhancement.
- (15) Establishes who is eligible for specialized driving privileges.
- (16) Makes technical corrections.

Effective Date: July 1, 2015.

Explanation of State Expenditures: The bill makes changes to individuals who qualify for license suspensions. These changes are expected to have no impact on the Bureau of Motor Vehicles (BMV) or Indiana Department of Toxicology (for ignition interlock devices) workload.

Explanation of State Revenues: *Summary:* This bill could change revenue the Common School Fund receives from criminal penalties and could increase General Fund revenue from new Class C infraction penalties. Changes in fund revenue are indeterminable.

Additional Information: The following table shows the net impact of the bill's criminal penalty changes to the Common School Fund.

Current Penalty	Maximum Revenue	Proposed Penalty	Maximum Revenue	Net Change
Class B misdemeanor	\$1,000	Class A misdemeanor	\$5,000	+\$4,000
Class B misdemeanor	\$1,000	Class C misdemeanor	\$500	-\$500

The following table shows the maximum judgment amount per new penalty created by the bill as well as the fund distribution from these judgments.

New Penalty	Maximum Revenue	Fund Recipient
Class B misdemeanor	\$1,000	Common School Fund
Class C misdemeanor	\$500	Common School Fund
Class C infraction	\$500	General Fund

Explanation of Local Expenditures: *Summary:* This bill could increase local court workload with the creation of a new appeals process for individuals with lifetime license suspensions. The bill could also impact local jail expenditures by changing misdemeanor penalties and creating new misdemeanor penalties.

Additional Information: The table below summarizes the potential impact on local jails from penalty reductions and enhancements in the bill.

Current Penalty	Proposed Penalty	Difference in Maximum Sentence
Class B misdemeanor	Class A misdemeanor	+180 days
Class B misdemeanor	Class C misdemeanor	-120 days

The table below summarizes maximum sentences for misdemeanor offenses.

Penalty	Maximum Sentence
Class A misdemeanor	1 year
Class B misdemeanor	180 days
Class C misdemeanor	60 days

The bill adds new criminal penalties that are punishable as a Class B and C misdemeanor. As a result, local jail expenditures could increase to house additional offenders. Increases in local expenditures are indeterminable.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: BMV, ISP, Indiana State Department of Toxicology.

Local Agencies Affected: Local jails, law enforcement agencies, and courts.

Information Sources: Alex Miller, BMV; Mary DePrez, JTAC; JT Parker, Indiana Prosecuting Attorney's Council.

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